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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/415,679	10/08/1999	XI CHEN	15962-0012	5155

7590 01/09/2004

SQUIRE, SANDERS & DEMPSEY  
14TH  
8000 TOWERS CRESCENT DRIVE  
TYSONS CORNER, VA 22182-2700

EXAMINER

CHANG, EDITH M

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 01/09/2004

11

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/415,679

Applicant(s)

CHEN, XI

Examiner

Edith M Chang

Art Unit

2634

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The amended drawing and specification contain new matter: controller.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the continuation section.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-23.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☒ The drawing correction filed on 09 December 2003 is a) ☐ approved or b) ☒ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_.

***Response to Arguments***

Applicant's arguments filed December 9, 2003 have been fully considered but they are not persuasive.

Argument: The pulse in Crayford conforms to the industry-standard 10Base-T. A pulse that conforms to any industry-standard pulse for indicating a live transceiver would not meet the limitations of the claim.

Response: Examiner interprets the limitation in light of the specification. According to the specification of the present invention, the industry standard of the pulse is referred to MTL3 (industry-standard ANSI). The instance invention teaches transmitting an idle signal which conforms the industry specified normal link pulse for 10BaseT, to signal the existence of a live transceiver (page 6 lines 5-12 of the specification). Therefore even though the pulse does conform to industry standard, yet still it is considered as not to conform to industry standard in the claim. That is, the pulse, which conforms to 10BaseT, is not considered to conform to industry standard; therefore, Crayford teaches the claimed limitation.

According to the instance invention, the teaching applies to Crayford reference as well, and the pulse of Crayford does not conform to industry standard as claimed.

Argument: Wakeley et al. would not teach the use of a transmitter subcircuit transmit a pulse during powered-down mode to indicate a live transceiver circuit, wherein the pulse does not conform to industry-standard pulse for indicating a live transceiver.

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Response: The transmitter subcircuit in claims 9, 10 and its dependent claims (11-16), 17 and its dependent claims (18-20), 21, 22, and 23 is disclosed by Crayford. Wakeley et al. teaches the media independent interface.

  
CHIEH M. FAN  
PRIMARY EXAMINER